

## SECRETARY OF STATE[721]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 21, “Election Forms and Instructions,” Iowa Administrative Code.

These proposed amendments are necessary to make a technical correction to an existing subrule, establish a special election blackout period during redistricting when the statewide voter database is being updated, adjust the notice of election to reflect updated text telephone (TTY) access technology, adopt a new rule relating to tabulation of election results for merged area special elections, and rescind a rule that is no longer necessary.

Any interested person may make written suggestions or comments on these proposed amendments on or before July 5, 2011. Written suggestions or comments should be directed to Sarah Reisetter, Director of Elections, Office of the Secretary of State, First Floor, Lucas State Office Building, Des Moines, Iowa 50319.

Persons who want to convey their views orally should contact the Secretary of State’s office by telephone at (515)281-0145 or in person at the Secretary of State’s office on the first floor of the Lucas State Office Building. Requests for a public hearing must be received by July 5, 2011.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 49 and 53.

The following amendments are proposed.

ITEM 1. Amend subrule 21.2(2) as follows:

**21.2(2) *Original absentee ballot applications.*** The original absentee ballot application submitted electronically shall also be mailed or delivered to the commissioner. ~~The~~ If mailed, the envelope bearing the original absentee ballot application shall be postmarked not later than the Friday before the election. This subrule shall not apply to documents submitted electronically by UOCAVA voters pursuant to rule 721—21.320(53).

*a.* The voter’s absentee ballot shall be rejected by the absentee and special voters precinct board if the original absentee ballot application which was filed electronically is not received ~~in the mail~~ by the time the polls close on election day.

*b.* The voter’s absentee ballot shall be rejected by the absentee and special voters precinct board if the postmark on the envelope containing the original absentee ballot application is either illegible or later than the Friday before the election.

ITEM 2. Adopt the following new rule 721—21.33(49):

**721—21.33(49) Redistricting special election blackout period.** A special election shall not be held on the three Tuesdays preceding January 15 of years ending in the number two.

This rule is intended to implement Iowa Code chapter 49.

ITEM 3. Amend subrule 21.50(10) as follows:

**21.50(10) *Notice required.*** Each notice of election published pursuant to Iowa Code section 49.53 shall clearly describe which polling places are inaccessible. The notice shall include a description of the services available to persons with disabilities who live in precincts with inaccessible polling places. The notice shall be in substantially the following form:

Any voter who is physically unable to enter a polling place has the right to vote in the voter's vehicle. For further information, please contact the county auditor's office at the telephone or TTY number or E-mail address listed below:

Telephone: \_\_\_\_\_ TTY: \_\_\_\_\_ E-mail address: \_\_\_\_\_. For TTY access, dial 711 + [auditor's office number].

ITEM 4. Adopt the following **new** rule 721—21.204(260C):

**721—21.204(260C) Tabulating election results by school district for merged area special elections.** All results for merged area special elections, including special precinct results, shall be tabulated by school district.

This rule is intended to implement Iowa Code chapter 260C.

ITEM 5. Rescind and reserve rule **721—21.600(43)**.